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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,227	05/29/2001	Thomas Z. Fu	IP 6037	5926

7590 01/24/2005

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Loveland, OH 45140

EXAMINER

DICUS, TAMRA

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/867,227

Applicant(s)

FU ET AL.

Examiner

Tamra L. Dicus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-19,21-24,34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-19,21-24,34 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The RCE and cancellation of claims 1-14, 20, and 25-33 are acknowledged.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-19, 21-24 and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 5,605,750 to Romano.

Romano teaches a microporous ink receiving media comprising a microporous polymeric sheet/film that may be stretched at col. 12, lines 8-24 (claim 34) where a microparticle coating is applied on one side of the film (claims 15 and 34). See col. 2, lines 20-24, col. 3, line 24, col. 5, lines 6-35, and col. 18, lines 55-68. The microporous material coating comprises a crosslinked polymethyl methacrylate (col. 8, line 55) and colloidal inorganic silica or alumina and submicroscopic particles (col. 6, lines 54-68, col. 7, lines 45-48, lines 65-col. 8, line 5) (meeting instant claims 15-17's colloidal inorganic particles, claim 34's limitation of a submicron particle, and the coating composition of claim 35). See col. 13, lines 29-45. Romano teaches it is also known to add polyurethane (PU) at col. 3, line 41, (claim 18) and polyvinyl alcohol as a binder at

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col. 14, lines 34-36 (claim 19). The binder is added in 5-75 wt % and the colloidal inorganic boehmite particle from 5-50 wt%, thus because the parts recited equate to 100 (weight percentage is based off total of 100), the weight percentage range recited in the prior art is within the claimed range. See col. 14, lines 40-46. A substrate is laminated to the microporous film at col. 2, lines 25-39 and col. 3, lines 18-23 (claim 24). Romano teaches a microparticle coating further comprising well known additives of claims 22 and 23 such as a plasticizer and surfactants such as non-ionic, cationic, or fluorocarbon surfactants at col. 2, line 46 and col. 8, lines 59-61. Romano adds polypropylene at col. 4, line 12 (claim 21). Thus, claims 15-19, 21-24 and 34-35 are met.

Response to Arguments

Applicant's arguments have been considered, but are not found persuasive because Romano explicitly teaches all claimed limitations. Thus, Romano is used now as a 102(b) reference.

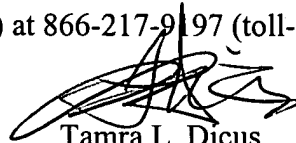
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamra L. Dicus whose telephone number is 571-272-1519. The examiner can normally be reached on Monday-Friday, 7:00-4:30 p.m., alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tamra L. Dicus
Examiner
Art Unit 1774

1/18/05



RENA DYE
SUPERVISORY PATENT EXAMINER

A.U. 1774

1/2/05